UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,993	03/23/2001	Kirk Tecu	10010017-1	7620

22879 7590 11/29/2005		EXAMINER
HEWLETT PACKARD COMPANY		RIMELL, SAMUEL G
P O BOX 272400, 3404 E. HARMONY ROAD		

INTELLECTUAL PROPERTY ADMINISTRATION	ART UNIT
FORT COLLINS, CO 80527-2400	2164

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DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 20-25* is/are pending in the application.

    4a) Of the above claim(s) *21-23 and 25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13, 20, 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12, 13, 20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated

by Lappenbusch et al. (U.S. Patent 6,297,748).

Claim 1:   FIG. 2 illustrates clients (42) and servers (38) communicating data via a

network (the Internet). As seen in FIG. 8, the client is presented with a user interface (60) that

permits input of data to the server. In the user interface of FIG. 8, the client is initially presented

without beginning end points or a highlighted route. The client inserts position data (begin point

83 and end point 84) in the context of the map and forwards this data to the appropriate server.

The server then returns various forms of content data, such as a highlighted route between the

beginning and end points and the additional data in the boxes (62) and (84). The image of the

map ends up being further annotated by the highlighted route.

Claim 2:   Col. 2, lines 5-12 identify location names, such as Seattle or Houston that can

be used in a URL. The URL is the then used to query data from an Internet server to produce one

of the maps, as illustrated in FIGS. 4-8. The items in boxes 64 and 82 constitute content data that

is returned to the client.

Claim 3: Entering the position data (the beginning and ending points in FIG. 8) effects a

query of the data contained in the relevant server. Some of the data retrieved includes location

names ("Pike" in box 64). Traffic incidents can also be reported which can include location of an

incident (col. 8, lines 12-18).

Claim 4: As seen in FIG. 8, the retrieved content data includes text.

Claim 5: As seen in FIG. 4, a user can send chronological data to the server (a request for

commute time—col. 6, lines 34-40). The saved data within the appropriate server is then queried

to receive further content data (commuting time) that is then displayed to the user.

Claim 6: FIG. 8 illustrates annotated images (an annotated map) which are provided to

the client computer.

Claim 7: The data is provided to the client computer using a browser program (Microsoft

Internet Explorer—col. 5, lines 12-13) that inherently produces web pages.

Claim 8: The position data are the specifications of beginning and ending points (83, 84)

on a map of a city. All points on a geographical map are inherently associated with longitude and

latitude coordinates.

Claim 9: Once an annotated map image is displayed to a user (FIG. 8 map annotated

with a preferred route) it is stored on the client's display until changed by new commands from

the user. In addition, since the client system is a computer, the display can inherently be saved in

the client system's memory capability.

Claim 10: The client can access annotated images, such as the image (64) in FIG. 8. The

"conditions" are the specifications input by the user, such as the starting and ending point of a

trip or specifying a particular leg of the map.

Claim 12: See remarks for claims 1 and 3.

Claim 13: FIG. 2 illustrates a series of dynamic libraries (41). Each library is considered

to be a database containing retrievable data. Since each library includes both location data and

content, one of the libraries can designated a location database and another library can be

designated as content database. The Internet includes intermediate servers between the client and

the libraries (col. 3, lines 54-57). As seen in FIG. 8, the client sends to the server position data

(beginning and ending points 83, 84) that are annotated on an image (a map). Content data is

retrieved, such as the highlighted trip segment. The highlighted trip segment on the map

constitutes a map annotated by the highlighted trip segment.

Claim 20: See remarks for claims 1 and 2. Note that the annotated image (a map image

annotated with a preferred route) can be stored in the sense that it remains on the client's display

until changed. Additionally, the annotated image can be considered as stored in the sense that the

annotated image can inherently be placed in the client system's memory.

Claim 24: In addition to the highlighted map retrieved by the user at the client (42), the

user also receives a set of images (64) obtained from a library (col. 4, line 28). A searchable

dynamic library is considered a relational database. FIG. 8 illustrates where such images produce

a common location name ("NB at Pike"). The position data is the route data input by the user in

FIG. 8.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lappenbusch et al. (U.S. Patent 6,297, 798) in view of Official Notice.

Claim 11:   Lappenbusch differs in that it does not disclose the step of printing the annotated image. Examiner takes Official Notice that printing a displayed image on a computer is well known in the art. It would have been obvious to one of ordinary skill in the art to modify Lappenbusch to print the annotated image so as to make the image portable. In other words, the printed image can be taken by the user on the designated road trip to provide instructions on a route to follow during the road trip.

Remarks

With the filing of the RCE request of September 2, 2005, no amendments or arguments are submitted. Accordingly, the rejection made in the final rejection of March 4, 2005 is repeated herein. Applicant's arguments submitted after the final rejection of March 4, 2005 (submitted by applicant on May 3, 2005) have already been addressed in the advisory action of June 7, 2005.

This is the first office action following the filing of an RCE request and is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084

Sam Rimell
Primary Examiner
Art Unit 2164